T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			28-Feb-08	APPL. S. N:	10658898			
To Exam	iner:		VU, NGOC	Art Unit	2623			
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68			
SUBJEC	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:					
form par or have a	agraphs i any quest	dentified by the	is informal memo in your nex se me or the Special Program	ct Office action to notify applicant (Examiner. THIS IS AN INFORMAL				
please in	itial, date	and return th	is memo to me. THANK YOU.	•				
<u>(7)</u>	The T.D.	is PROPER an	d has been recorded (see 14.	23).				
Г	The T.D.	is NOT PROPE	R and has not been accepted	for the reason(s) checked below	(see 14.24):			
		The TD fee of use of a depo	·- · · · · ·	itted nor is there any authorizatio	n in the application file for the			
	Ε.	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
•		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
	, []	The person w	ho signed the T.D.:					
		is no	ot an attorney "of record" (se	e 14.29 and 14.29.01).				
		has	failed to state his/her capacit	ty to sign for the business entity (see 14.28).			
		is no	ot recognized as an officer of	the assignee (see 14.29 & possibl	e 14.29.02).			
		nor is the ree (see 37 CFR 3	l and frame number specified 3.73(b) and 1140 O.G. 72). N	e from the original inventor(s) to a l as to where such evidence is reco IOTE: This documentary evidence r in a separate paper of record in t	orded in the Office or the specifying of the reel and			
		The T.D. is no	ot signed (see 14.26 & 14.26.	.03).	•			
			mber of the application (or the	e number of the patent) which for (see 14.32).	ms the basis for the double			
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
	Γ	The period di	sclaimed is incorrect or not sp	pecified (see 14.26, 14.27.02 or 1	4.26.03).			
		Other:			T.			
	Ľ:		-	NOTE: If already authorized, cred	lit refund to deposit account			
I have a	propriat			Terminal Disclaimer filed in this ca	ase.			
Ex.Initial	s:	Date	e:		Log Date:			

Application Number			Applicant(s)/Patent under Reexamination CHOU, PHILIP A.					
Document Code - DISQ	Internal Doc		cument – DO NOT MAIL					
TERMINAL DISCLAIMER			☐ DISAPPROVED					
Date Filed : February 11, 2008	This patent is subject to a Terminal Disclaimer							
	•							
Approved/Disapproved by:								
Henry D. Jefferson								
		÷						

U.S. Patent and Trademark Office

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional)

REJECTION OVER A "PRIOR" PATENT	MS1 _ 0845USC1							
In re Application of: Philip A. Chou								
Application No.: 10/658,898	·							
Filed: 9/10/2003	·							
For: Multimedia Presentation Latency Minimization								
The owner*, <u>Microsoft Corporation</u> , of <u>100</u> percent interest in the except as provided below, the terminal part of the statutory term of any patent granted on the instant the expiration date of the full statutory term prior patent No. <u>6.637,031</u> as the term of said and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The organized on the instant application shall be enforceable only for and during such period that it and the pagreement runs with any patent granted on the instant application and is binding upon the grantee, its said the pagreement runs with any patent granted on the instant application and is binding upon the grantee.	prior patent is defined in 35 U.S.C. 154 owner hereby agrees that any patent so prior patent are commonly owned. This							
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any paten would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction;								
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened to	by any terminal disclaimer.							
Check either box 1 or 2 below, if appropriate.								
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.								
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.								
2. The undersigned is an attorney of agent of record. Reg. No. 58213	•							
Signature	7/11/20X							
Beatrice L. Koempel-Thomas								
Typed or printed name								
	509-324-9256 Telephone Number							
✓ Terminal disclaimer fee under 37 CFR 1.20(d) Included.								
Tomasa disalamentes ande. Or of the 1.20(a) malassa.	ation should not							
WARNING: Information on this form may become public. Credit card Inform be included on this form. Provide credit card information and authorization	on PTO-2038.							
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.								

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.